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8 Attorneys for Defendants Whiteside Construction Corporation,  
NMS Supply, Inc., J.W. Construction, Inc., and  
9 David R. Whiteside

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

1 I, Gregorio Sigala, declare:

2 1. I have personal knowledge of the facts set forth herein, and if called as a witness, I  
3 could and would competently testify thereto. I understand and read English.

4 2. I make this declaration voluntarily, and I have not been pressured by anyone to  
5 provide this declaration. Further, I have not received any payment or promise of future  
6 consideration for this declaration.

7 3. I have been employed by Whiteside Construction Corporation since August, 2007.  
8 During my employment with Whiteside Construction, I have been employed as a union carpenter.  
9 My pay rate is determined by the Company's union contract with the Carpenters Union.

10 4. During my employment at Whiteside Construction, I have almost always driven my  
11 own car from my home directly to the job site in the morning. At the beginning of my  
12 employment, I became aware that I and other employees have the option either to go directly to  
13 the job site at the beginning of the day or to go to the Company's yard in Richmond and obtain a  
14 ride to the jobsite from there. To my knowledge, the Company does not require employees to  
15 report to its yard every day before the beginning of the day's shift.

16 5. I have gone to the yard in the morning before the beginning of my shift two times  
17 during my employment with Whiteside Construction. One time, I went to the yard to find out the  
18 location of my assignment for the day because I did not call the office the day before. The other  
19 time, I went to the yard to get a ride to the job site, located at the Chevron refinery a short distance  
20 away in Richmond. On neither occasion did I help load equipment into a Company truck or my  
21 car.

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1       6.     Each afternoon, I get my assignment for the next day from the foreman working at  
2 the job site. The foreman tells me where I will be working and what time to begin work at the job  
3 site. Sometimes, the foreman does not know my assignment for the next day. When that has  
4 happened, I have called the Company's office to learn the location and time of my assignment for  
5 the next day except for the time I went to the yard to find out my assignment. I am not required to  
6 go to the yard in Richmond to find out where I work.

7

8 I declare under penalty of perjury under the laws of the State of California and of the United States  
9 that the foregoing is true and correct.

10     Executed this 31<sup>st</sup> day of July 2008, at San Francisco, California.

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The image shows a handwritten signature in black ink, appearing to read "Gregorio Sigala". Below the signature, there is a typed address: "IN SAN FRANCISCO CA". Underneath the typed address, there is handwritten text: "35 yrs OF AGE". To the right of the typed address, the date "7/31/2008" is written in black ink.